

MEMORANDUM**FAX Distribution**

December 15, 2004

To: Department of Ecology — *Mr. Dan Haller, CEO*

From: Benton County Water Conservancy Board

Re: Withdrawal of Record of Decision and Report of Examination

A meeting of the Benton County Conservancy Board was conducted in compliance with Chapter 42.30 RCW at Kennewick, WA, on December 15, 2004.

The board had previously issued a Record of Decision and Report of Examination on 9/23/2004 in the matter of Application for Change/Transfer No. CG4-28833P filed by the DNR. At the meeting mentioned above and by a majority vote, the board withdrew the referenced issued Record of Decision and Report of Examination for the following reason(s):

- 1) A procedural error exists in the legal notice publication, not previously identified.
- 2) The BCWCB/WADOE have completed a litigation settlement agreement, resulting in a change to the methodology used to calculate beneficial use and consumptive water quantity available for change/transfer under RCW 90.03.380. This change will be incorporated within a revised ROE/ROD.

The withdrawal of the referenced Record of Decision and Report of Examination is effective as of the adjournment of the meeting of the board during which it was adopted. The BCWCB acknowledges the existing application as still in active status for review, only the said ROE/ROD has been withdrawn from active review.

The applicant concurs with the withdrawal of the said ROE/ROD.

The board adopts the following plan for action on the application (*check one*):

- ☒ The board intends to revise and resubmit for Ecology review the record of decision and report of examination for the subject application still in active status.
- ☐ The board will take no further action on the subject application and has informed the applicant that the application may be filed with Ecology for processing.

Information relevant to the board's withdrawal action and a record of the Board's vote in this matter are attached.


**BENTON COUNTY
WATER CONSERVANCY BOARD**
Application for Change/Transfer
Decision to Withdraw a Record of Decision
and Report of Examination

For Ecology Use Only	
Received:	
Reviewed by: _____	
Date Reviewed: _____	

Applicant: DNR Application Number: CG4-28833P

The Benton County Water Conservancy Board hereby **withdraws** the Record of Decision and the Report of Examination for the entitled water right transfer issued on 9/23/2004 in accordance with the accompanying resolution of the board and submits this resolution to the Department of Ecology.

Signed:

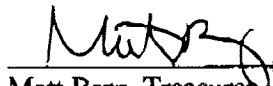


Darryll Olsen, Ph.D., Chair
Benton County Water Conservancy Board

Date: 12/15/2004
Withdraw
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☒

John Jaksch, Ph.D., Vice-Chair
Benton County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Excused Absence ☒



Matt Berg, Treasurer
Benton County Water Conservancy Board

Date: 12/15/2004
Withdraw
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☒

FAXED and mailed to the Department of Ecology, CRO, on December 15, 2004, and mailed to other interested parties on or before December 17, 2004.